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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/525,339	02/22/2005	Daniel Ballin	36-1888	3643
23117 7590 02/18/2009 NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203				
EXAMINER				
KIM, EUNHEE				
ART UNIT		PAPER NUMBER		
2123				
MAIL DATE		DELIVERY MODE		
02/18/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/525,339

Applicant(s)

BALLIN ET AL.

Examiner

Eunhee Kim

Art Unit

2123

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25 and 27-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25 and 27-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/5508)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. The Finality of the Office action mailed 08/13/2008 has been withdrawn in view of the amendment and/or applicant's arguments filed 01/13/2009. Hence prosecution has been reopened. Claims 25 and 27-32 are presented for examination.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 25 and 27-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Feld et al. (US Pub. No. 2001/0026272).

As per Claims 25, 28, and 31, Feld et al. teaches a method and system of object model generation, said method comprising:

a) storing a set of weight values expressing a first object model of a first type as weighted sum of a plurality of predefined object models, each of the first type, wherein the object models of the first type comprise an avatar (Fig. 2 and 4, "virtual models 24", "virtual model bank system 22", [0035]-[0038]); and

b) applying the set of weight values to a plurality of predefined models of a second type (Fig. 2 and 4, "Fitting Room 28", "virtual three-dimensional wear articles is superimposed on a virtual three-dimensional model", [0035]-[0038]), wherein the object models of the second type comprise clothing models (Fig. 2 and 4, the virtual wear articles, [0038]), to generate an output

object of the second types corresponding to a weighted sum of the predefined models of the second type wherein the output object model of the second type comprise a model of clothing garments in the shape which the garments would assume when applied to the avatars (Fig. 2 and 4, "virtual three-dimensional wear articles is superimposed on a virtual three-dimensional model", 0038)); and

c) displaying to a user an avatar represented by the first object model of the first type simultaneously with an article of clothing represented by said output object model of the second type (Fig. 2 and 4, "Fitting room 28"[0038]).

As per Claims 27 and 32, Feld et al. teaches wherein the object models of the first or second type each comprise a plurality of co-ordinates representing vertex points in a virtual space (Fig. 6-9 and the description).

As per Claims 29, Feld et al. teaches transmitting information relating to a first object model of a first type to an object model server (Fig. 2 and 4, [0035]-[0038]).

As per Claims 30, Feld et al. teaches wherein the transmitted information is the first object model itself (Fig. 2 and 4, [0035]-[0038]).

Response to Arguments

3. Applicant's arguments filed 01/13/2009 have been fully considered but they are persuasive.

The Finality of the Office action mailed 08/13/2008 has been withdrawn in view of the amendment and/or applicant's arguments filed 01/13/2009. However, based upon applicant's arguments and examiner's understanding of the claim languages, a new ground(s) of rejection is made in view of Feld et al.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eunhee Kim whose telephone number is 571-272-2164. The examiner can normally be reached on 8:30am-5:00pm Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Rodriguez can be reached on 571-272-3753. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Eunhee Kim/
Examiner, Art Unit 2123

/Paul L Rodriguez/
Supervisory Patent Examiner, Art Unit 2123